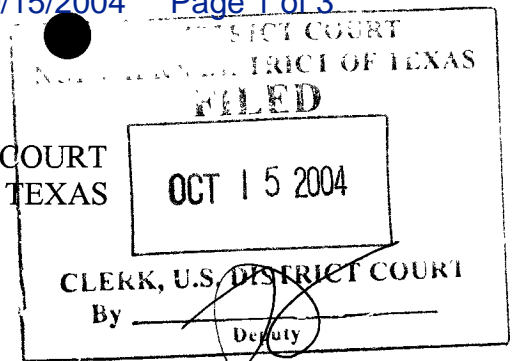


R

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



ANNA SALINAS, on her behalf and on  
behalf of those similarly situated,

Plaintiff,

v.

O'REILLY AUTOMOTIVE, INC.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. 3:04-CV-1861-B

**DEFENDANT'S MOTION TO TRANSFER VENUE  
PURSUANT TO 28 U.S.C. § 1404(a)**

Defendant O'Reilly Automotive, Inc. moves pursuant to 28 U.S.C. § 1404(a) for an order transferring this case to the United States District Court of the Western District of Missouri--Southern Division. As set forth in Defendant's Brief in Support of Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) and supporting evidence, filed contemporaneously herewith, a transfer is appropriate because it would materially advance the interests of justice and the convenience of witnesses and the parties.

WHEREFORE, Defendant respectfully requests the Court to enter the attached Order transferring this case to the United States District Court for the Western District of Missouri--Southern Division.

Respectfully submitted,

BAKER BOTTS, L.L.P.

OF COUNSEL:

Eric Senske  
State Bar No. 18027100  
BAKER BOTTS, L.L.P.  
2001 Ross Avenue  
Dallas, TX 75201  
(214) 753.6500 (Telephone)  
(214) 753.6503 (Fax)

By: Teresa S. Valderrama / by EJS w/  
Teresa S. Valderrama  
State Bar No. 20422500  
Kathryn S. Vaughn  
State Bar No. 00785144  
One Shell Plaza  
910 Louisiana  
Houston, Texas 77002  
Telephone: (713) 229-1234  
Facsimile: (713) 229-1522  
*permission*


LUTTRELL & WILLIAMS, P.C.

By: John M. Williams / by EJS w/  
John M. Williams  
State Bar No. 21554200  
L. Don Luttrell  
State Bar No. 12708630  
3000 Wesleyan, Suite 350  
Houston, Texas 77027  
Telephone: (713) 877-1077  
Facsimile: (713) 877-1089  
*permission*

ATTORNEYS FOR DEFENDANT  
O'REILLY AUTOMOTIVE, INC.

**CERTIFICATE OF CONFERENCE**

On October 14, 2004, I conferred with Plaintiff's counsel, Brady Edwards, multiple times about this motion. My partner, Teresa Valderrama, and I each explained the basis of the motion, but Mr. Edwards said he could not form an opinion about whether to oppose the motion without seeing the motion. I therefore faxed Mr. Edwards a copy of the brief supporting this motion at 9:30 a.m. on October 15 and asked him to tell me by 1:30 p.m. whether the motion was opposed. Shortly thereafter, Mr. Edwards said that he would also need to see the exhibits and consider these materials over the weekend before he could state a position on the motion. Accordingly, despite reasonable efforts, I have been unable to determine whether Mr. Edwards opposes this motion. I assume that he does oppose it, and I will promptly notify the Court if I learn that he does not.

  
Kathryn S. Vaughn

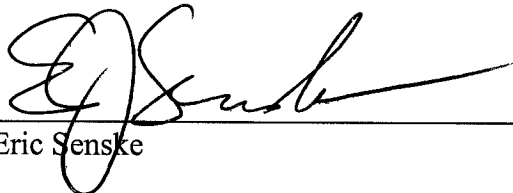
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent to the following counsel of record this the 15th day of October 2004:

Brady Edwards  
EDWARDS & GEORGE, L.L.P.  
1000 Louisiana, Suite 1300  
Houston, Texas 77002

Derek Braziel  
EDWARDS & GEORGE, L.L.P.  
208 N. Market Street, Suite 400  
Dallas, Texas 75202

Richard J. (Rex) Burch  
BRUCKNER BURCH PLLC  
5847 San Felipe, Suite 3900  
Houston, Texas 77057

  
Eric Senske